IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Misc.Writ Petition No.2794 (M/S) of 2001
(Old No.44207 of 1998)

State of U.P. through Executive
Engineer Test and Control Deivision,
Dak Paththar, Dislrict-Dehradun. .... Petitioner

Versus

Vinod Kumar and another. .... Respondents

.....

Hon'ble P.C. Verma,J

Heard the learned Standing counsel as well as Sri Gopal Narain, learned counsel appearing on behalf of respondent No.1.

This petition has been filed by the petitioner challenging the award dated 07.03.1998, whereby the Labour Court held that the termination of services of Vinod Kumar-Beldar from 04.06.1992 was illegal and improper and directed the petitioner to reinstate the workman/respondent No.1 in service with 50% back wages from the month when the reference was made i.e. November 1997.

The case of the respondent No.1 is that he engaged as Beldar on 18.07.1985 with the employer-establishment on temporary basis but on 04.06.192 his services were terminated without giving prior notice to him and without complying the provisions of Section 6-N of the U.P.Industrial Disputes Act.

The learned counsel for the petitioner submitted that the reference was belated and on this ground alone the award was liable to be dismissed.

I have perused the order passed by the Labour Court. The Labour Court has dealt with the point of delay in filing the reference and keeping in view the delay, the Labour Court has rightly allowed fifty per cent back wages to the

respondent No. 1 from the month when the reference was made i.e. November 1997. I find that there is no illegality or infirmity in the order of Labour Court. The matter is concluded by finding of fact.

The writ petition is dismissed. No order as to costs.

(P.C. Verma, J.)

24.09.2003
P.Singh